

500 KAR 8:020. Breath alcohol analysis instruments.

RELATES TO: KRS 189A.300

STATUTORY AUTHORITY: KRS 15A.160, 189A.103(3)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 189A.300 requires the commonwealth to provide breath analysis instruments for each county. This administrative regulation establishes procedures for providing breath alcohol analysis instruments as mandated by KRS 189A.300.

Section 1. (1) Department of State Police shall be responsible for the purchase of breath alcohol analysis instruments and related units.

(2) All breath alcohol analysis instruments and related units owned by the state used pursuant to KRS Chapter 189A shall be assigned to the Department of State Police.

Section 2. (1) A breath alcohol analysis instrument shall be accurate within plus or minus 0.005 or plus or minus five (5) percent, whichever is greater, alcohol concentration units reading to be certified. To determine accuracy of instruments, a technician trained or employed by the Department of State Police shall perform analyses using a certified reference sample at regular intervals.

(2) All breath alcohol analysis instruments shall be examined by a technician trained or employed by the Department of State Police prior to being placed into operation and after repairs of any malfunctions. (18 Ky.R. 564; 1132; 1334; eff. 11-8-1991; 30 Ky.R. 2102; 2290; eff. 5-24-2004; Crt eff. 12-17-2019.)